

ASSEMBLY BILL

No. 2702

Introduced by Assembly Member Chesbro

February 19, 2010

An act to amend Section 95020 of the Government Code, and to amend Sections 4648.35, 4648.5, 4685, 4686.2, 4689, and 4689.05 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2702, as introduced, Chesbro. Developmental services: planning teams.

Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan (IFSP). The act requires these services to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Service Act.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. Under existing law, the department contracts with regional centers to provide services and supports to persons with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in

an individual program plan (IPP), developed in accordance with prescribed requirements.

Under existing law, development and monitoring of IFSPs and IPPs is done by planning teams, as defined, that include specified participants.

This bill would involve the planning team in various other aspects of the decision making process relating to the provision of services and supports through both the California Early Intervention Services Act and the Lanterman Developmental Disabilities Services Act and would, in specified instances, make the planning team the decision making entity.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 95020 of the Government Code is
2 amended to read:

3 95020. (a) An eligible infant or toddler shall have an
4 individualized family service plan. The individualized family
5 service plan shall be used in place of an individualized education
6 program required pursuant to Sections 4646 and 4646.5 of the
7 Welfare and Institutions Code, the individualized program plan
8 required pursuant to Section 56340 of the Education Code, or any
9 other applicable service plan.

10 (b) For an infant or toddler who has been evaluated for the first
11 time, a meeting to share the results of the evaluation, to determine
12 eligibility, and, for children who are eligible, to develop the initial
13 individualized family service plan shall be conducted within 45
14 calendar days of receipt of the written referral. Evaluation results
15 and determination of eligibility may be shared in a meeting with
16 the family prior to the individualized family service plan. Written
17 parent consent to evaluate and assess shall be obtained within the
18 45-day timeline. A regional center, local educational agency, or
19 the designee of one of those entities shall initiate and conduct this
20 meeting. Families shall be afforded the opportunity to participate
21 in all decisions regarding eligibility and services.

22 (c) Parents shall be fully informed of their rights, including the
23 right to invite another person, including a family member or an
24 advocate or peer parent, or any or all of them, to accompany them
25 to any or all individualized family service plan meetings. With

1 parental consent, a referral shall be made to the local family
2 resource center or network.

3 (d) The individualized family service plan shall be in writing
4 and shall address all of the following:

5 (1) A statement of the infant's or toddler's present levels of
6 physical development including vision, hearing, and health status,
7 cognitive development, communication development, social and
8 emotional development, and adaptive developments.

9 (2) With the concurrence of the family, a statement of the
10 family's concerns, priorities, and resources related to meeting the
11 special developmental needs of the eligible infant or toddler.

12 (3) A statement of the major outcomes expected to be achieved
13 for the infant or toddler and family where services for the family
14 are related to meeting the special developmental needs of the
15 eligible infant or toddler.

16 (4) The criteria, procedures, and timelines used to determine
17 the degree to which progress toward achieving the outcomes is
18 being made and whether modifications or revisions are necessary.

19 (5) (A) A statement of the specific early intervention services
20 necessary to meet the unique needs of the infant or toddler as
21 identified in paragraph (3), including, but not limited to, the
22 frequency, intensity, location, duration, and method of delivering
23 the services, and ways of providing services in natural generic
24 environments, including group training for parents on behavioral
25 intervention techniques in lieu of some or all of the in-home parent
26 training component of the behavior intervention services, and
27 purchase of neighborhood preschool services and needed qualified
28 personnel in lieu of infant development programs.

29 (B) Effective July 1, 2009, at the time of development, review,
30 or modification of an infant's or toddler's individualized family
31 service plan, the ~~regional center~~ *planning team* shall consider both
32 of the following:

33 (i) The use of group training for parents on behavior intervention
34 techniques, in lieu of some or all of the in-home parent training
35 component of the behavior intervention services.

36 (ii) The purchase of neighborhood preschool services and needed
37 qualified personnel, in lieu of infant development programs.

38 (6) A statement of the agency responsible for providing the
39 identified services.

1 (7) The name of the service coordinator who shall be responsible
2 for facilitating implementation of the plan and coordinating with
3 other agencies and persons.

4 (8) The steps to be taken to ensure transition of the infant or
5 toddler upon reaching three years of age to other appropriate
6 services. These may include, as appropriate, special education or
7 other services offered in natural environments.

8 (9) The projected dates for the initiation of services in paragraph
9 (5) and the anticipated duration of those services.

10 (e) Each service identified on the individualized family service
11 plan shall be designated as one of three types:

12 (1) An early intervention service, as defined in subsection (4)
13 of Section 1432 of Title 20 of the United States Code, and
14 applicable regulations, that is provided or purchased through the
15 regional center, local educational agency, or other participating
16 agency. The State Department of Health Care Services, State
17 Department of Social Services, State Department of Mental Health,
18 and State Department of Alcohol and Drug Programs shall provide
19 services in accordance with state and federal law and applicable
20 regulations, and up to the level of funding as appropriated by the
21 Legislature. Early intervention services identified on an
22 individualized family service plan that exceed the funding,
23 statutory, and regulatory requirements of these departments shall
24 be provided or purchased by regional centers or local educational
25 agencies under subdivisions (b) and (c) of Section 95014. The
26 State Department of Health Care Services, State Department of
27 Social Services, State Department of Mental Health, and State
28 Department of Alcohol and Drug Programs shall not be required
29 to provide early intervention services over their existing funding,
30 statutory, and regulatory requirements.

31 (2) Another service, other than those specified in paragraph (1),
32 which the eligible infant or toddler or his or her family may receive
33 from other state programs, subject to the eligibility standards of
34 those programs.

35 (3) A referral to a nonrequired service that may be provided to
36 an eligible infant or toddler or his or her family. Nonrequired
37 services are those services that are not defined as early intervention
38 services or do not relate to meeting the special developmental
39 needs of an eligible infant or toddler related to the disability, but
40 that may be helpful to the family. The granting or denial of

1 nonrequired services by a public or private agency is not subject
2 to appeal under this title. Notwithstanding any other provision of
3 law or regulation to the contrary, effective July 1, 2009, with the
4 exception of durable medical equipment, regional centers shall not
5 purchase nonrequired services, but may refer a family to a
6 nonrequired service that may be available to an eligible infant or
7 toddler or his or her family.

8 (f) An annual review, and other periodic reviews, of the
9 individualized family service plan for an infant or toddler and the
10 infant's or toddler's family shall be conducted to determine the
11 degree of progress that is being made in achieving the outcomes
12 specified in the plan and whether modification or revision of the
13 outcomes or services is necessary. The frequency, participants,
14 purpose, and required processes for annual and periodic reviews
15 shall be consistent with the statutes and regulations under Part C
16 of the federal Individuals with Disabilities Education Act (20
17 U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in
18 regulations adopted pursuant to Section 95028.

19 SEC. 2. Section 4648.35 of the Welfare and Institutions Code
20 is amended to read:

21 4648.35. Effective July 1, 2009, at the time of development,
22 review, or modification of a consumer's individual program plan
23 (IPP) or individualized family service plan (IFSP), all of the
24 following shall apply to a regional center:

25 (a) A regional center shall not fund private specialized
26 transportation services for an adult consumer who can safely access
27 and utilize public transportation, when that transportation is
28 available, *as determined by the planning team*.

29 (b) A regional center shall fund the least expensive
30 transportation modality that meets the consumer's needs, as
31 *determined by the planning team and* set forth in the consumer's
32 IPP or IFSP.

33 (c) A regional center shall fund transportation, when required,
34 from the consumer's residence to the lowest-cost vendor that
35 provides the service that meets the consumer's needs, as *determined*
36 *by the planning team and* set forth in the consumer's IPP or IFSP.
37 For purposes of this subdivision, the cost of a vendor shall be
38 determined by combining the vendor's program costs and the costs
39 to transport a consumer from the consumer's residence to the
40 vendor.

1 (d) A regional center shall fund transportation services for a
2 minor child living in the family residence, only if the family of
3 the child provides sufficient written documentation to the ~~regional~~
4 ~~center~~ *planning team* to demonstrate that ~~it the family~~ is unable to
5 provide transportation for the child.

6 SEC. 3. Section 4648.5 of the Welfare and Institutions Code
7 is amended to read:

8 4648.5. (a) Notwithstanding any other provision of law or
9 regulations to the contrary, effective July 1, 2009, a regional
10 centers' authority to purchase the following services shall be
11 suspended pending implementation of the Individual Choice
12 Budget and certification by the Director of Developmental Services
13 that the Individual Choice Budget has been implemented and will
14 result in state budget savings sufficient to offset the costs of
15 providing the following services:

16 (1) Camping services and associated travel expenses.

17 (2) Social recreation activities, except for those activities
18 vendored as community-based day programs.

19 (3) Educational services for children three to 17, inclusive, years
20 of age.

21 (4) Nonmedical therapies, including, but not limited to,
22 specialized recreation, art, dance, and music.

23 (b) For regional center consumers receiving services described
24 in subdivision (a) as part of their individual program plan (IPP) or
25 individualized family service plan (IFSP), the prohibition in
26 subdivision (a) shall take effect on August 1, 2009.

27 (c) An exemption may be granted on an individual basis in
28 extraordinary circumstances to permit purchase of a service
29 identified in subdivision (a) when the regional center, *upon*
30 *recommendation of the planning team*, determines that the service
31 is a primary or critical means for ameliorating the physical,
32 cognitive, or psychosocial effects of the consumer's developmental
33 disability, or the service is necessary to enable the consumer to
34 remain in his or her home and no alternative service is available
35 to meet the consumer's needs.

36 SEC. 4. Section 4685 of the Welfare and Institutions Code is
37 amended to read:

38 4685. (a) Consistent with state and federal law, the Legislature
39 finds and declares that children with developmental disabilities
40 most often have greater opportunities for educational and social

1 growth when they live with their families. The Legislature further
2 finds and declares that the cost of providing necessary services
3 and supports which enable a child with developmental disabilities
4 to live at home is typically equal to or lower than the cost of
5 providing out-of-home placement. The Legislature places a high
6 priority on providing opportunities for children with developmental
7 disabilities to live with their families, when living at home is the
8 preferred objective in the child's individual program plan.

9 (b) It is the intent of the Legislature that regional centers provide
10 or secure family support services that do all of the following:

11 (1) Respect and support the decisionmaking authority of the
12 family.

13 (2) Be flexible and creative in meeting the unique and individual
14 needs of families as they evolve over time.

15 (3) Recognize and build on family strengths, natural supports,
16 and existing community resources.

17 (4) Be designed to meet the cultural preferences, values, and
18 lifestyles of families.

19 (5) Focus on the entire family and promote the inclusion of
20 children with disabilities in all aspects of school and community.

21 (c) In order to provide opportunities for children to live with
22 their families, the following procedures shall be adopted:

23 (1) The department and regional centers shall give a very high
24 priority to the development and expansion of services and supports
25 designed to assist families that are caring for their children at home,
26 when that is the preferred objective in the individual program plan.
27 This assistance may include, but is not limited to specialized
28 medical and dental care, special training for parents, infant
29 stimulation programs, respite for parents, homemaker services,
30 camping, day care, short-term out-of-home care, child care,
31 counseling, mental health services, behavior modification
32 programs, special adaptive equipment such as wheelchairs, hospital
33 beds, communication devices, and other necessary appliances and
34 supplies, and advocacy to assist persons in securing income
35 maintenance, educational services, and other benefits to which
36 they are entitled.

37 (2) When children with developmental disabilities live with
38 their families, the individual program plan shall include a family
39 plan component which describes those services and supports
40 necessary to successfully maintain the child at home. ~~Regional~~

1 ~~centers~~ *The planning team* shall consider every possible way to
2 assist families in maintaining their children at home, when living
3 at home will be in the best interest of the child, before considering
4 out-of-home placement alternatives. When the regional center first
5 becomes aware that a family may consider an out-of-home
6 placement, or is in need of additional specialized services to assist
7 in caring for the child in the home, the regional center shall meet
8 with the family to discuss the situation and the family's current
9 needs, solicit from the family what supports would be necessary
10 to maintain the child in the home, and utilize creative and
11 innovative ways of meeting the family's needs and providing
12 adequate supports to keep the family together, if possible.

13 (3) (A) To ensure that these services and supports are provided
14 in the most cost-effective and beneficial manner, ~~regional centers~~
15 *a planning team* may utilize innovative service-delivery
16 mechanisms, including, but not limited to, vouchers; alternative
17 respite options such as foster families, vacant community facility
18 beds, crisis child care facilities; group training for parents on
19 behavioral intervention techniques in lieu of some or all of the
20 in-home parent training component of the behavioral intervention
21 services; purchase of neighborhood preschool services and needed
22 qualified personnel in lieu of infant development programs; and
23 alternative child care options such as supplemental support to
24 generic child care facilities and parent child care cooperatives.

25 (B) Effective July 1, 2009, at the time of development, review,
26 or modification of a child's individualized family service plan or
27 individual program plan, the ~~regional center~~ *planning team* shall
28 consider both of the following:

29 (i) The use of group training for parents on behavioral
30 intervention techniques in lieu of some or all of the in-home parent
31 training component of the behavioral intervention services.

32 (ii) The purchase of neighborhood preschool services and needed
33 qualified personnel in lieu of infant development programs.

34 (4) If the parent of any child receiving services and supports
35 from a regional center believes that the regional center is not
36 offering adequate assistance to enable the family to keep the child
37 at home, the parent may initiate a request for fair hearing as
38 established in this division. A family shall not be required to start
39 a placement process or to commit to placing a child in order to
40 receive requested services.

1 (5) Nothing in this section shall be construed to encourage the
2 continued residency of adult children in the home of their parents
3 when that residency is not in the best interests of the person.

4 (6) When purchasing or providing a voucher for day care
5 services for parents who are caring for children at home, the
6 regional center may pay only the cost of the day care service that
7 exceeds the cost of providing day care services to a child without
8 disabilities. The regional center, *upon the recommendation of the*
9 *planning team*, may pay in excess of this amount when a family
10 can demonstrate a financial need and when doing so will enable
11 the child to remain in the family home.

12 (7) A regional center, *pursuant to an individual program plan*
13 *(IPP)*, may purchase or provide a voucher for diapers for children
14 three years of age or older. A regional center may purchase or
15 provide vouchers for diapers under three years of age when a family
16 can demonstrate a financial need and when doing so will enable
17 the child to remain in the family home.

18 SEC. 5. Section 4686.2 of the Welfare and Institutions Code
19 is amended to read:

20 4686.2. (a) Effective July 1, 2009, notwithstanding any other
21 provision of law or regulation to the contrary, any vendor who
22 provides applied behavioral analysis (ABA) services, or intensive
23 behavioral intervention services or both, as defined in subdivision
24 (d), shall:

25 (1) Conduct a behavioral assessment of each consumer to whom
26 the vendor provides these services.

27 (2) Design an intervention plan that shall include the service
28 type, number of hours and parent participation needed to achieve
29 the consumer's goals and objectives, as set forth in the consumer's
30 individual program plan (IPP) or individualized family service
31 plan (IFSP). The intervention plan shall also set forth the frequency
32 at which the consumer's progress shall be evaluated and reported.

33 (3) Provide a copy of the intervention plan to the regional center
34 for review and consideration by the planning team members.

35 (b) Effective July 1, 2009, notwithstanding any other provision
36 of law or regulation to the contrary, ~~regional centers~~ *planning*
37 *teams* shall:

38 (1) *Only provide for the purchase of* ABA services or intensive
39 behavioral intervention services that reflect evidence-based

1 practices, promote positive social behaviors, and ameliorate
2 behaviors that interfere with learning and social interactions.

3 (2) Only *provide for the purchase of* ABA or intensive
4 behavioral intervention services when the parent or parents of
5 minor consumers receiving services participate in the intervention
6 plan for the consumers, given the critical nature of parent
7 participation to the success of the intervention plan.

8 (3) Not *provide for the purchase of* either ABA or intensive
9 behavioral intervention services for purposes of providing respite,
10 day care, or school services.

11 (4) Discontinue ~~purchasing~~ *providing for the purchase of* ABA
12 or intensive behavioral intervention services for a consumer when
13 the consumer's treatment goals and objectives, as described under
14 subdivision (a), are achieved. ABA or intensive behavioral
15 intervention services shall not be discontinued until the goals and
16 objectives are reviewed and updated as required in paragraph (5)
17 and shall be discontinued only if those updated treatment goals
18 and objectives do not require ABA or intensive behavioral
19 intervention services.

20 (5) For each consumer, evaluate the vendor's intervention plan
21 and number of service hours for ABA or intensive behavioral
22 intervention no less than every six months, consistent with
23 evidence-based practices. If necessary, the intervention plan's
24 treatment goals and objectives shall be updated and revised.

25 (6) Not ~~reimburse~~ *provide for the reimbursement of* a parent for
26 participating in a behavioral services treatment program.

27 (c) For consumers receiving ABA or behavioral intervention
28 services on July 1, 2009, as part of their IPP or IFSP, subdivision
29 (b) shall apply on August 1, 2009.

30 (d) For purposes of this section the following definitions shall
31 apply:

32 (1) "Applied behavioral analysis" means the design,
33 implementation, and evaluation of systematic instructional and
34 environmental modifications to promote positive social behaviors
35 and reduce or ameliorate behaviors which interfere with learning
36 and social interaction.

37 (2) "Intensive behavioral intervention" means any form of
38 applied behavioral analysis that is comprehensive, designed to
39 address all domains of functioning, and provided in multiple
40 settings for no more than 40 hours per week, across all settings,

1 depending on the individual's needs and progress. Interventions
2 can be delivered in a one-to-one ratio or small group format, as
3 appropriate.

4 (3) "Evidence-based practice" means a decisionmaking process
5 that integrates the best available scientifically rigorous research,
6 clinical expertise, and individual's characteristics. Evidence-based
7 practice is an approach to treatment rather than a specific treatment.
8 Evidence-based practice promotes the collection, interpretation,
9 integration, and continuous evaluation of valid, important, and
10 applicable individual- or family-reported, clinically-observed, and
11 research-supported evidence. The best available evidence, matched
12 to consumer circumstances and preferences, is applied to ensure
13 the quality of clinical judgments and facilitates the most
14 cost-effective care.

15 (4) "Parent participation" shall include, but shall not be limited
16 to, the following meanings:

17 (A) Completion of group instruction on the basics of behavior
18 intervention.

19 (B) Implementation of intervention strategies, according to the
20 intervention plan.

21 (C) If needed, collection of data on behavioral strategies and
22 submission of that data to the provider for incorporation into
23 progress reports.

24 (D) Participation in any needed clinical meetings.

25 (E) Purchase of suggested behavior modification materials or
26 community involvement if a reward system is used.

27 SEC. 6. Section 4689 of the Welfare and Institutions Code is
28 amended to read:

29 4689. Consistent with state and federal law, the Legislature
30 places a high priority on providing opportunities for adults with
31 developmental disabilities, regardless of the degree of disability,
32 to live in homes that they own or lease with support available as
33 often and for as long as it is needed, when that is the preferred
34 objective in the individual program plan. In order to provide
35 opportunities for adults to live in their own homes, the following
36 procedures shall be adopted:

37 (a) The department and regional centers shall ensure that
38 supported living arrangements adhere to the following principles:

39 (1) Consumers shall be supported in living arrangements which
40 are typical of those in which persons without disabilities reside.

1 (2) The services or supports that a consumer receives shall
2 change as his or her needs change without the consumer having
3 to move elsewhere.

4 (3) The consumer's preference shall guide decisions concerning
5 where and with whom he or she lives.

6 (4) Consumers shall have control over the environment within
7 their own home.

8 (5) The purpose of furnishing services and supports to a
9 consumer shall be to assist that individual to exercise choice in his
10 or her life while building critical and durable relationships with
11 other individuals.

12 (6) The services or supports shall be flexible and tailored to a
13 consumer's needs and preferences.

14 (7) Services and supports are most effective when furnished
15 where a person lives and within the context of his or her day-to-day
16 activities.

17 (8) Consumers shall not be excluded from supported living
18 arrangements based solely on the nature and severity of their
19 disabilities.

20 (b) Regional centers may contract with agencies or individuals
21 to assist consumers in securing their own homes and to provide
22 consumers with the supports needed to live in their own homes.

23 (c) The range of supported living services and supports available
24 include, but are not limited to, assessment of consumer needs;
25 assistance in finding, modifying and maintaining a home;
26 facilitating circles of support to encourage the development of
27 unpaid and natural supports in the community; advocacy and
28 self-advocacy facilitation; development of employment goals;
29 social, behavioral, and daily living skills training and support;
30 development and provision of 24-hour emergency response
31 systems; securing and maintaining adaptive equipment and
32 supplies; recruiting, training, and hiring individuals to provide
33 personal care and other assistance, including in-home supportive
34 services workers, paid neighbors, and paid roommates; providing
35 respite and emergency relief for personal care attendants; and
36 facilitating community participation. Assessment of consumer
37 needs may begin before 18 years of age to enable the consumer to
38 move to his or her own home when he or she reaches 18 years of
39 age.

1 (d) Regional centers shall provide information and education
2 to consumers and their families about supported living principles
3 and services.

4 (e) Regional centers shall monitor and ensure the quality of
5 services and supports provided to individuals living in homes that
6 they own or lease. Monitoring shall take into account all of the
7 following:

8 (1) Adherence to the principles set forth in this section.

9 (2) Whether the services and supports outlined in the consumer's
10 individual program plan are congruent with the choices and needs
11 of the individual.

12 (3) Whether services and supports described in the consumer's
13 individual program plan are being delivered.

14 (4) Whether services and supports are having the desired effects.

15 (5) Whether the consumer is satisfied with the services and
16 supports.

17 (f) The planning team, established pursuant to subdivision (j)
18 of Section 4512, for a consumer receiving supported living services
19 shall confirm that all appropriate and available sources of natural
20 and generic supports have been utilized to the fullest extent possible
21 for that consumer.

22 (g) Regional centers shall utilize the same supported living
23 provider for consumers who reside in the same domicile, provided
24 that each individual consumer's particular needs can still be met
25 pursuant to his or her individual program plans.

26 (h) Rent, mortgage, and lease payments of a supported living
27 home and household expenses shall be the responsibility of the
28 consumer and any roommate who resides with the consumer.

29 (i) A regional center shall not make rent, mortgage, or lease
30 payments on a supported living home, or pay for household
31 expenses of consumers receiving supported living services, except
32 under the following circumstances:

33 (1) If all of the following conditions are met, a regional center
34 may make rent, mortgage, or lease payments as follows:

35 (A) ~~The regional center executive director~~ *planning team* verifies
36 in writing that making the rent, mortgage, or lease payments or
37 paying for household expenses is required to meet the specific care
38 needs unique to the individual consumer as set forth in an
39 addendum to the consumer's individual program plan, and is
40 required when a consumer's demonstrated medical, behavioral, or

1 psychiatric condition presents a health and safety risk to himself
2 or herself, or another.

3 (B) During the time period that a regional center is making rent,
4 mortgage, or lease payments, or paying for household expenses,
5 the supported living services vendor shall assist the consumer in
6 accessing all sources of generic and natural supports consistent
7 with the needs of the consumer.

8 (C) The regional center shall not make rent, mortgage, or lease
9 payments on a supported living home or pay for household
10 expenses for more than six months, unless the ~~regional center~~
11 *planning team* finds that it is necessary to meet the individual
12 consumer's particular needs pursuant to the consumer's individual
13 program plan. The ~~regional center~~ *planning team* shall review a
14 finding of necessity on a quarterly basis and the ~~regional center~~
15 ~~executive director~~ shall annually verify in an addendum to the
16 consumer's individual program plan that the requirements set forth
17 in subparagraph (A) continue to be met.

18 (2) ~~A~~ When a regional center ~~that~~ has been contributing to rent,
19 mortgage, or lease payments or paying for household expenses
20 prior to July 1, 2009, *the planning team* shall, at the time of
21 development, review, or modification of a consumer's individual
22 program plan, determine if the conditions in paragraph (1) are met.
23 If the planning team determines that these contributions are no
24 longer appropriate under this section, a reasonable time for
25 transition, not to exceed six months, shall be permitted.

26 (j) All paid roommates and live-in support staff in supported
27 living arrangements in which regional centers have made rent,
28 mortgage, or lease payments, or have paid for household expenses
29 pursuant to subdivision (i) shall pay their share of the rent,
30 mortgage, or lease payments or household expenses for the
31 supported living home, subject to the requirements of Industrial
32 Welfare Commission Order No. 15-2001 and the Housing Choice
33 Voucher Program, as set forth in Section 1437f of Title 42 of the
34 United States Code.

35 (k) Regional centers shall ensure that the supported living
36 services vendors' administrative costs are necessary and reasonable,
37 given the particular services that they are providing and the number
38 of consumers to whom the vendor provides services.
39 Administrative costs shall be limited to allowable costs for

1 community-based day programs, as defined in Section 57434 of
2 Title 17 of the California Code of Regulations, or its successor.

3 (l) Regional centers shall ensure that the most cost-effective of
4 the rate methodologies is utilized to determine the negotiated rate
5 for vendors of supported living services, consistent with Section
6 4689.8 and Title 17 of the California Code of Regulations.

7 (m) For purposes of this section, “household expenses” means
8 general living expenses and includes, but is not limited to, utilities
9 paid and food consumed within the home.

10 (n) A supported living services provider shall provide assistance
11 to a consumer who is a Medi-Cal beneficiary in applying for
12 in-home supportive services, as set forth in Section 12300, within
13 five days of the consumer moving into a supported living services
14 arrangement.

15 SEC. 7. Section 4689.05 of the Welfare and Institutions Code
16 is amended to read:

17 4689.05. (a) A regional center shall not purchase supportive
18 services, as defined in Section 12300, for a consumer who meets
19 the criteria to receive, but declines to apply for, in-home supportive
20 services (IHSS) benefits, as set forth in Section 12300, except as
21 set forth in subdivision (d).

22 (b) Consistent with Section 4648, a regional center shall not
23 purchase supported living services for a consumer to supplant
24 IHSS.

25 (c) Between the date that a consumer applies for IHSS and the
26 date that a consumer’s application for IHSS is approved, a regional
27 center shall not purchase supportive services for the consumer at
28 a rate that exceeds the IHSS hourly rate, which includes the IHSS
29 provider hourly wage, the provider’s hourly payroll taxes, and the
30 hourly administrative costs, for the county in which the consumer
31 resides.

32 (d) ~~A regional center executive director~~ *The planning team* may
33 waive the requirements set forth in subdivision (a) if ~~the executive~~
34 ~~director~~ *it* finds that extraordinary circumstances warrant the
35 waiver, and that a finding is documented in an addendum to the
36 consumer’s individual program plan.